

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRIAN GRANT, et al.,

Plaintiffs,

v.

DARRYL J. TURNER, et al.,

Defendants.

Civil Action No. 09-2381 (GEB)

ORDER

This matter having come before the Court upon the motion to dismiss the amended complaint (Doc. No. 102) of the defendants Bentley Travel, Allen Bernstein, Jackie Bork, Dream Vacations International, Inc., Dreamworks Vacation Club, Five Points Travel, Darryl J. Turner, Destination Vacations International, Modern Destinations Unlimited, Vacation Clubs, LLC, and La Bonne Vie (Defs.' Mot. Br. 1 n.1; Doc. No. 102-2); the motion to dismiss the amended complaint (Doc. No. 103) of the defendant Bank of America; the motion to dismiss the amended complaint (Doc. No. 104) of Vacation Travel Club; the motion to dismiss the amended complaint (Doc. No. 105) of Bluegreen Vacations Club, Inc.; the motion to dismiss the second amended complaint (Doc. No. 110) of Resort Condominiums International, LLC; and the amended motion to dismiss the second amended complaint (Doc. No. 112) of Bluegreen Vacation Club, Inc.¹; and

¹ Plaintiff's amended complaint (Doc. No. 95) and second amended complaint (106) are materially identical except that the amended complaint improperly identifies one of the defendants, Resort Condominiums International, LLC ("RCI"). (Doc. No. 107.) Therefore, the Court will accept the filing of the second amended complaint and it will treat all those currently pending motions to dismiss as those to dismiss the second amended complaint for the purposes

Plaintiffs having opposed the motions; and the Court having reviewed the parties' submissions and decided the motions without oral argument pursuant to Federal Rule of Civil Procedure 78; and for the reasons stated in the accompanying memorandum opinion;

IT IS THIS 12th day of October, 2010, hereby

ORDERED that the motion to dismiss the amended complaint (Doc. No. 102) of the defendants Bentley Travel, Allen Bernstein, Jackie Bork, Dream Vacations International, Inc., Dreamworks Vacation Club, Five Points Travel, Darryl J. Turner, Destination Vacations International, Modern Destinations Unlimited, Vacation Clubs, LLC, and La Bonne Vie (Defs.' Mot. Br. 1 n.1; Doc. No. 102-2) is DENIED without prejudice; and it is further

ORDERED that the motion to dismiss the amended complaint (Doc. No. 103) of the defendant Bank of America is DENIED without prejudice; and it is further

ORDERED that the motion to dismiss the amended complaint (Doc. No. 104) of Vacation Travel Club is DENIED without prejudice; and it is further

ORDERED that the motion to dismiss the amended complaint (Doc. No. 105) of Bluegreen Vacations Club, Inc., is DENIED without prejudice; and it is further

ORDERED that the motion to dismiss the second amended complaint (Doc. No. 110) of Resort Condominiums International, LLC, is DENIED without prejudice; and it is further

ORDERED that the amended motion to dismiss the second amended complaint (Doc. No. 112) of Bluegreen Vacation Club, Inc., is DENIED without prejudice; and it is further

ORDERED that Plaintiffs are to file a RICO Case Statement pursuant to Local Civil

of this order and accompanying memorandum opinion.

Rule 16.1(b)(4) and Appendix O no later than thirty days from the date of this order; and it is further

ORDERED that Defendants may renew their motions to dismiss no later than thirty days thereafter, and they need only supplement their prior moving papers as to those matters materially affected by the RICO Case Statement; and it is further

ORDERED that Plaintiffs' opposition to Defendants' renewed motions and Defendants' subsequent reply papers must be filed in accord with Local Rule of Civil Procedure 7.1.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.